



266

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37884-2025

Date of decision: 23.07.2025

Nawalpreet Singh alias Goldi alias Navalpreet Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Parambir Singh, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.27 dated 06.03.2025 under Sections 21(b)/29 of the NDPS Act, Section 25 of Arms Act and Section 27-A of the NDPS Act (added later on) vide Rapat No.23 dated 08.03.2025 registered at Police Station Sirhali, District Tarn Taran, Punjab.

Brief facts of the case are that on 06.03.2025, ASI Lakhwinder Singh along with his fellow police officials were on patrol duty, in connection with the search of bad elements and they were going from CIA Tarn Taran to Sheron, Naushehra Pannuan, Thathian Mahanta and when police party reached in front of office of PSPCL, three persons were seen standing there. On seeing the police party, they tried to turn back and out of them, one person took out a polythene packet from his right pocket of his pant and threw the same in the side of *kachha* road. On suspicion, the ASI apprehend them and asked their names one by one. On inquiry, the person, who threw the polythene packet

**CRM-M-37884-2025****-2-**

disclosed his name as Jashanpreet Singh @ Giani, son of Jaspal Singh, R/o Naushehra Pannuan, second person disclosed his name as Jobanjit Singh @ Joban son of Harpal Singh, R/o Khalra and third person disclosed his name as Manpreet Singh @ Manna, son of Sukhwinder Singh, R/o Choudhariwala, Naushehra Pannua. The polythene packet was picked up from the ground by Jashanpreet Singh @ Giani and he told that the same contained heroin. On personal search of co-accused, a 30 bore pistol was recovered from left dub. Navalpreet Singh (petitioner herein) and Ramaneet Singh were nominated in this case. The name of accused Lalit was nominated at the disclosure statement of Navalpreet Singh @ Goldy and Ramneet Singh @ Raman and from his possession Rs.20,000/- Indian Currency as drug money and one money counting machine were recovered.

Learned counsel for the petitioner *inter alia* contends that admittedly, the alleged contraband was recovered from the conscious possession of co-accused, namely, Jashanpreet Singh @ Giani, Jobanjit Singh @ Joban and Manpreet Singh, who were apprehended at the spot. It is further contended that during custodial interrogation of the co-accused, the petitioner has been nominated as an accused which has no evidentiary value in the eyes of law and it is a trite law that the statements recorded by the police under Section 67 of NDPS Act would be hit by Sections 25 and 26 of Indian Evidence Act. The petitioner is not involved in any other case and similarly situated co-accused, namely, Lalit Sharma alias Lalit alias Lalit Narayan and Manpreet Singh alias Manna, have been granted the concession of regular bail by this Court vide order dated 09.07.2025 passed in CRM-M-26141-2025 titled as 'Lalit Sharma alias Lalit alias Lalit Narayan Vs. State of Punjab' and order



CRM-M-37884-2025

-3-

dated 14.07.2025 passed in CRM-M-35531-2025 titled as 'Manpreet Singh alias Manna Vs. State of Punjab', respectively. The petitioner has suffered incarceration of 04 months and 12 days.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that there is sufficient material available on record to prove the complicity of the petitioner and thus, he is not entitled to any relief. However, he could not controvert the fact that the petitioner is not involved in any other case.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 07.03.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 11 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of

**CRM-M-37884-2025****-4-**

trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Nawalpreet Singh @ Goldi @ Navalpreet Singh, is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

23.07.2025*Neha*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No